# Albert Goldman: Defender of the Movement by Joe Allen

(Goldman at the time of the Minneapolis Trial, 1941)

ALBERT GOLDMAN was born Albert Verblen in Chicago in 1897. He had first become involved with radical politics during a summer break from college (where he had been studying to be a rabbi) in 1919 while working in the Dakota wheat fields. There he met members of the Industrial Workers of the World (IWW), who were trying to organize migrant agricultural workers--a difficult and sometimes dangerous endeavor.

Goldman would join the IWW later that year but soon left it to join the newly formed communist movement. He worked for several years as a journeyman tailor while going to school at night. The leadership of the Communist Party (CP) encouraged him to go to law school in an effort to build up the number of lawyers in its ranks. In 1923, he entered the Northwestern University Law School and graduated two years later with honors.

Soon after graduating from law school, Goldman threw himself into the various campaigns of the International Labor Defense (ILD), the legal defense association initiated by the CP. The ILD was conceived of as a broad organization involving radicals and unionists of many stripes whose purpose was to marshal all available resources in support of political prisoners.

**International Labor Defense**

Many of the leading figures in the ILD, including James P. Cannon, Max Shachtman and Martin Abern, would become the core leadership of American Trotskyism. They would carry the traditions of the ILD into the Trotskyist movement. Cannon was the public face of the ILD, traveling around the country raising money and advocating for the imprisoned radicals. Abern ran the national ILD office, while Shachtman edited the ILD's beautifully illustrated monthly magazine *Labor Defender*.

The idea of the ILD grew out of discussions between Cannon and former IWW leader Big Bill Haywood in 1925 in Moscow, where Haywood was living in exile. He and Cannon identified more than 100 political prisoners languishing in U.S. jails, most of who were Wobblies.

Cannon wrote three decades after his expulsion from the CP:

> It is one of the purest and cleanest memories of my time in the Communist Party of the 1920s, a memory of honest work and solid achievement for solidarity in the old IWW spirit. It is really an interesting and, I think, important story of the projection of Bill Haywood's influence into the movement from which he was exiled, an influence for simple honesty and good will and genuine non-partisan solidarity toward all the prisoners of the class war in American prisons.

The ILD was the most successful political initiative of the early communist movement in the U.S. Its most famous campaign of the 1920s was the worldwide, but ultimately unsuccessful effort to save the lives of Sacco and Vanzetti, two Italian-American anarchists framed for robbery and murder by the state of Massachusetts.

The campaign, however, established the ILD as the premier legal defense organization for working-class political prisoners. During his years with the ILD from 1926 to 1933, Goldman emerged as one of the most prominent radical attorneys in the Midwest.

Goldman developed an eloquent courtroom style that overwhelmed the inferior prosecutors and judges that he confronted regularly. "Goldman was capable of marshalling inordinately incisive and articulate arrays of argument, driving his points inexorably home with the sheer force of impeccable logic," according to long-time socialist Patrick M. Quinn, who has compiled the most complete record of Goldman's early life.

**Danville and Chicago**

While working for the ILD could put you on the cutting edge of fighting political repression in the U.S., it could also put one in dangerous, life threatening situations.

Danville is a small manufacturing city in central Illinois just a two-hour drive south of Chicago. In March 1932, Albert Goldman of the ILD and John Lofton of the Chicago branch of the American Civil Liberties Union went to Danville to represent 14 men arrested at an unemployed demonstration.

They barely escaped with their lives. The demonstrators were charged with unlawful assembly. Both Goldman and Lofton faced a hostile crowd in court and were forcibly restrained afterward by members of the American Legion, the right-wing veterans group.

An unsympathetic *Chicago Tribune* reporter wrote:

> During the hearing Goldman made remarks which aroused the local [American] legionnaires. The defendants were given small fines by the court. As the two lawyers left the courthouse a group of about thirty men surrounded them. They were hustled to a hotel, where their papers and records were examined.

Goldman and Lofton were beaten with sticks, but luckily they weren't severely injured. "The attorneys were then confined for a time in a local assembly hall used by Legion members and then driven three miles out of town in Lofton's car."

Soon after returning to Chicago from Danville, Goldman was thrust into a battle to free 11 CP members who were among a crowd assembled in front of the Japanese consulate protesting the Japanese invasion of Manchuria.

The CP and its youth wing, the Young Communist League, had called the demonstration. A club-wielding mob of Chicago police, who refused to grant protesters a permit for the demonstration, savagely attacked protesters and onlookers alike in the shadow of the Tribune Tower on Michigan Avenue.

Three cops were wounded when one demonstrator, Steve Chuck, pulled out a gun and shot them in self-defense. He was charged with assault with a deadly weapon and intent to murder. The 13 CP members arrested that day were charged with rioting. Their trial took place six weeks later, with a jury of 10 unemployed men sitting in judgment.

Goldman asked the unemployed jury, "Why should workers living in America in America interest themselves in an event occurring in a part of the earth many thousands of miles away from them?"

He answered:

> A moment's thought, however will convince you that the workers are the ones most interested in any event which may lead to a war, a world war....Some of the workers at the demonstration had the sufferings of the last world war--the "war to end wars," the "war for democracy and peace." They had perhaps come to realize that their buddies died, that millions were wounded and gassed, not to make a better world for the great masses but safeguard the profits of millionaires. They did not want to repeat this experience.

The trial lasted for four days. The jury returned 11 separate verdicts of not guilty on April 29, 1932. Two were founded guilty of the most minor offense. Judge Thomas A. Green attacked the jury's verdict in open court, saying, "Your verdict is a travesty on justice. We might as well break down the courts. From the evidence presented in this case you might have discharged one or two of the defendants, but not all of them. So far as this court concerned, you'll never serve here as jurors again."

Many of Goldman's closest associates in the ILD were expelled as Trotskyists in the late 1920s, and this never sat well with him. He wanted to see for himself what had happened to the Bolshevik Revolution. In 1931, he visited the Soviet Union and came back disillusioned with what Stalin's leadership had done to the country.

He began to reach out to his former comrades in the ILD. He remained in the CP for two more years before he was expelled in 1933. Undaunted, he threw himself into the political and legal work of the Trotskyist movement. He was the attorney for the Trotskyist led Teamster Local 574 during its historic strikes and battles in the summer of 1934 in Minneapolis.

After Goldman left the ILD, its original mission of non-partisan legal defense continued to decline and became seriously warped and twisted. The CP, said Cannon, presided over the "strangulation of the ILD." It no longer represented radicals, unionists and the political persecuted on a non-partisan basis.

Anyone who disagreed with the CP or was critical of the Soviet Union, or was even potentially critical of any aspect of the CP's politics had the ILD's door slammed in their face.

Anarchists facing deportation to Mussolini's Italy, as well as socialists and Trotskyists, were denied the ILD's resources. German radicals were deported from Holland back to Hitler's Germany and the ILD did nothing to marshal support for them in the U.S.

Goldman was instrumental in helping to launch the Non-Partisan Labor Defense (NPLD), in an attempt to continue the original mission of the ILD within a new organization. He traveled the country representing those that the ILD wouldn't represent, including Norman Mini, a defendant in the notorious Sacramento Conspiracy trial of 1935.

Mini was a former West Point cadet who had returned to home to California to help organize the Sacramento Valley's incredibly exploited farmworkers. He and 17 others were arrested for violating California's criminal syndicalism laws, which in effect criminalized trade union organization. Leo Gallagher of the ILD represented 17 of the defendants, but shunned Mini, who had been recently won to Trotskyism.

Goldman shared the defense table with the difficult and bombastic Gallagher. The trial was held in a lynch mob atmosphere reminiscent of the Deep South. Despite Gallagher's and Goldman's best efforts, the trial concluded with a guilty verdict for eight of the defendants on April 1, 1935. Their convictions were overturned on appeal in September 1937.

**The Dewey Commission**

Goldman’s most famous client was Leon Trotsky, a leader of the Russian Revolution of 1917, living in exile in Coyacoán, a small suburb of Mexico City. Trotsky was granted asylum by the country's president, Lazlo Cardenas, but he and his family lived under constant threat of assassination by Stalin's secret police.

Goldman was Trotsky's personal attorney at the hearings held in April 1937 to respond to charges that he as an agent of the Nazis and other foreign intelligence services committed to the destruction of the Soviet Union. These absurd charges were basis of the three infamous show trials in Russia known as the "Moscow Trials" beginning in 1936.

In each trial, surviving leaders of Russian Revolution confessed to ridiculous crimes and begged for the most severe punishment--execution. Trotsky and his effort to keep the revolutionary tradition of the Bolsheviks alive was the real target of the Moscow Trials.

The *Commission of Inquiry into the Charges Against Leon Trotsky in the Moscow Trials*, chaired by the United States' most eminent philosopher John Dewey, demolished one of the great slander campaigns in history.

Trotsky took the stand, and Goldman guided him through hours and days of testimony. James T. Farrell, author of the Studs Lonigan trilogy, observed the hearings and concluded that Trotsky destroyed "the macabre fables of the Moscow Trials for any human being who is susceptible to reason and who does not require his opinions to be manufactured for him by persons thousands of miles across the sea."

The Dewey Commission, as it became known, found Trotsky innocent of all charges.

Dewey believed that chairing the commission was the "most interesting single intellectual experience of my life." He gave credit to Goldman (a man of "quick intelligence and good practical judgment") for keeping Trotsky focused and bending over backward to address all of the charges against him in great detail.

The Dewey Commission's work gave the Trotskyist movement an international boost that was, unfortunately, short-lived. The commission's hearings took place in isolation from a larger political trend and were ignored or denigrated by liberals who prided themselves on critical thinking and support for civil liberties.

The Moscow Trials also coincided with Moscow's directive to all communist parties to drop their revolutionary rhetoric and engage in a "Popular Front" with other socialist and liberal parties. This was essentially an electoral strategy to get governments elected in countries, notably France and Spain, that would make a military alliance with Russia against Nazi Germany.

One byproduct of this alliance between Stalinists, social democrats and liberals was that the slanders made in the Moscow Trials were reported upon, most notably in the U.S. by the *New York Times* and the *Nation*, without an ounce of criticism.

An "Open Letter to American Liberals" was issued that attacked the work and goals of the Dewey Commission. Eighty-eight writers, among the best-known liberals in the country including Heywood Broun, Theodore Dreiser, Dorothy Parker, Carrie McWilliams and Paul Sweezy, signed it.

**The Smith Act**

BY FAR the most important case of Goldman's career was the sedition trial of the Minneapolis Trotskyists. On the eve of the Second World War, the federal

government sponsored a short-lived red scare that was in many ways a dress rehearsal for McCarthyism.

The Alien Registration Act of 1940, popularly known as the Smith Act after its sponsor Rep. Howard W. Smith of Virginia, a Democrat and a leader of the "anti-labor" bloc in the House of Representatives, became the legal weapon against critics of the government. President Franklin D. Roosevelt, the great liberal, signed it into law.

The Smith Act stipulated that:

Whoever organizes or helps or attempts to organize any society, group or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group or assembly of persons, knowing the purposes thereof--

Shall be fined under this title or imprisoned not more than 20 years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

On June 27, 1941, FBI agents raided the branch offices of the SWP in Minneapolis and St. Paul, Minn., and took away large quantities of Marxist literature, including the *Communist Manifesto* and Lenin's *State and Revolution*.

On July 15, an indictment was handed down by a federal grand jury in St. Paul against 29 men and women, including the national leaders of the SWP and 16 leaders and members of the Minneapolis Teamster Local 544. Goldman was among those indicted. They were charged with violation of the Smith Act and the 1861 Sedition Act, an act passed to deal with the rebellion of Southern slaveowners.

The spark for these dramatic events was a battle in the Teamsters union. On June 9, 1941, Minneapolis Local 544 led by the SWP had by an overwhelming vote of its members disaffiliated from the Teamsters (affiliated with the American Federation of Labor) and organize a new trucking union that would be affiliated with the CIO.

Teamster President Dan Tobin, a conservative autocrat from Boston, who had long resented the socialist rebels in his union, saw an opportunity to rid himself of them. Tobin had been the chair of FDR's labor committee during

the 1940 election, when the president ran for an unprecedented third term, and he decided to call in a favor.

On June 13, Tobin appealed to FDR, "The officers of the local union were requested to disassociate themselves from the radical Trotsky organization...these disturbers must be in some way prevented from pursuing this course."

Soon afterward the Department of Justice and the FBI went in action. The ACLU investigated the case and concluded, "The government injected itself into an inter-union controversy in order to promote the interests of one side which supported the Administration's foreign policies."

Roosevelt was also hoping to hold up the Minneapolis Trotskyists as an example to others in the labor movement, specifically the United Mine Workers' John L. Lewis, that opposition to the administration's labor and foreign policies would have consequences. The very legal existence of the SWP was also at stake.

It’ a rare situation when someone under the same indictment as his clients is their lead counsel. On October 27, 1941. Goldman put on a vigorous defense that challenged every aspect of the government's case, mocking its pretensions and skewering its witnesses.

Mike Myer as his co-counsel and did much of the background legal work for the case. Goldman put SWP chair Cannon on the stand. Cannon gave clear and accessible answers about the party's political positions on a variety of issues. It was a tutorial on Marxism for the jury.

Outside the courtroom, the SWP organized a nationwide defense campaign. "The Minneapolis case stands out in party history as the keystone of its defense activity," explained longtime SWP leader George Novak. "It was both the culmination of previous decades of work in this field and the springboard for all postwar undertakings."

The Civil Rights Defense Committee (CRDC) with the famed novelist James T. Farrell as chair, produced over 200,00 pamphlet and leaflets, mobilized 30 active local defense committees and raised more than $50,000.

It was an uphill legal battle. War raged in Europe and in the Pacific, and the atmosphere in the country was hostile to socialists, communists and other radicals. Goldman's lengthy summation is one of the great speeches in defense of civil liberties and socialism in U.S. history:

> Often, as I sat through this trial, listening to Mr. Anderson [the lead prosecutor] I think that in essence that this trial follows the tradition of the trials of heretics throughout the ages, trials of people who advocate new ideas.
>
> The prosecution charges us with being internationalists and, of course, we must plead guilty to that charge. For us internationalism is at the very heart of socialism. We conceive of the world as an economic unit. No nation, no matter how wealthy or powerful can separate itself from the rest of the world. We are not isolationists. We don't believe it is possible to isolate this country from the rest of the world.

Permit me to say once and in conclusion: *Our ideas, a product of existing conditions, are indestructible. They will ultimately conquer the minds of men and the hearts of the masses who will struggle for their realization because there is no road to peace and plenty other than the road to socialism.*

Goldman's courtroom strategy and the defense campaign did have an effect. Of the 23 who went on trial, five were acquitted on both counts by direct verdict of the judge for lack of evidence at the conclusion of the prosecution's case.

After 56 hours of deliberation, the jury found all of the remaining 18 defendants not guilty of count one of the indictment in which the state charged the accused with violating the 1861 statute by conspiring to overthrow the government by force. The government had attempted to use the statute, which had originally been aimed against Southern secessionists, as a means of criminalizing the avowal of any revolutionary doctrines.

The jury found 18 of the defendants guilty of count two of the indictment, which charged violation of the Smith Act. The jury recommended leniency in sentencing to the presiding judge. On December 8, 1941, the day after the Japanese attack on Pearl Harbor, sentences were handed down with 12 defendants receiving 16-month terms and the remaining six being given 12-month prison terms. After failed appeals and the refusal of the Supreme Court to review the case, the convicted defendants began to serve their sentences on December 31, 1943. The last prisoners were released in February 1945.

Goldman in many ways suffered the greatest consequences of the trial. The Illinois Bar Association disbarred him in 1943, and he could no longer make a living as a lawyer. The end of his legal career also brought an end

unfortunately to his most important contribution to the socialist movement, the defense of radicals and militants in the courtroom.

Albert Goldman left a legacy that is well worth remembering and emulating today. His record rivals that of the much better known, but less principled, Clarence Darrow. It is for others to pick up where he left off.

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*Socialist Worker* newspaper (U.S.), January 20, 2011, available here: https://socialistworker.org/2011/01/20/defender-of-the-movement